

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket No. HWCA P4-01/02-003
)	
Special Devices, Inc.)	
14370 White Sage Rd.)	
Moorpark, CA 93021)	ENFORCEMENT ORDER
)	FOR CORRECTIVE ACTION
Placerita Land and Farming Co.)	
c/o Thomas F. Treinen)	Health and Safety Code
10457 Laramie Avenue)	Section 25187
Chatsworth, CA 91311-2532)	
)	
Thomas F. Treinen)	
10457 Laramie Avenue)	
Chatsworth, CA 91311-2532)	
)	
Walter Neubauer)	
16207 Carmenita Road)	
Cerritos, CA 90703)	
)	
Respondents)	
_____)	

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (DTSC) issues this Enforcement Order for Corrective Action (Order) to Special Devices, Inc., Placerita Land and Farming Co., Thomas F. Treinen, Walter Neubauer (Respondents).

1.2. Permitting Status. Respondents are the owners and/or operators of a former hazardous waste management facility located at 16830 West Placerita Canyon

Road, Newhall, California (Facility). The Respondents did not have a federal or state permit, certificate, registration, or interim status to manage hazardous waste at the Facility.

1.3. Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code section 25187, which authorizes DTSC to issue an order to require corrective action when DTSC determines that there is or has been a release of hazardous waste or hazardous waste constituents into the environment from a hazardous waste facility.

1.4. Definition of Terms. The terms used in this Order are as defined in section 66260.10 of Title 22 of the California Code of Regulations, except as otherwise provided.

1.5. Attachments. All attachments to this Order are incorporated herein by this reference.

FINDINGS OF FACT

2.1. In May 2001, the consultant for the Facility, England Geosystem, submitted a Current Conditions Report (CCR). The CCR identifies 98 solid waste management units (SWMUs) and 23 areas of concern (AOCs) that either have released or may release hazardous waste or hazardous waste constituents into the environment. Additional information about the site was obtained from an Environmental Impact Report (EIR) prepared by the Los Angeles County Planning Department dated September 1991. The EIR gives information on the Space Ordnance Systems Facility and additional magazine storage, both of which are not identified in the CCR. The SWMUs and AOCs identified in the CCR are as follows:

Level 1.

AOC

1. None

SWMUs:

1. Septic tank and leach field system SS 1-1

Level 2.

AOCs:

2. Sink discharge area behind Building 204
3. Removed Building 212
4. Removed Building 213
5. Removed Building 220
6. Removed Building 221

SWMUs:

7. Building 202, hydraulic sump area
8. Building 203, chemical storage closet
9. Hazardous Waste storage area in Building 204
10. Building 205, welding and paint spray booth area
11. Building 206, storage lockers
12. Building 207, assembly operations area
13. Building 209, assembly operations area
14. Building 214, maintenance supply room
15. Building 217, X-ray developing procedures

16. Building 222
17. Building 226
18. M2000
19. M2001
20. M2002
21. M2003
22. M2004
23. M2005
24. M2006
25. 1,000 gallon fuel UST 300 feet east of facility entrance

Level 3.

AOCs: None

SWMUs

1. Building 301
2. Building 302
3. Building 303
4. Building 304
5. Building 305

Level 4.

AOCs: None

SWMUs:

6. Piping feeding the concrete vault.

7. Concrete vault
8. Building 401 machine shop area
9. Building 401 potting area
10. Chemical storage shed adjacent to Building 402
11. Building 402 powder blending area
12. Septic system SS 4-1

Level 5.

AOCs:

1. Area of removed M5001
2. Area of removed M5002
3. Area of removed building 506

SWMUs:

1. Building 502, chemical storage
2. Building 510, burn area
3. M5000, chemical storage
4. Septic system SS 5-1
5. Septic system SS 5-2

Level 6.

AOCs:

6. Area of removed building 615
7. Area of removed building 609

SWMUs:

1. Building 606, explosives testing area

2. Building 607, storage
3. Building 608, storage
4. Building 610, storage
5. Building 613, X-ray and explosives testing area
6. Magazine M6001, chemical storage.
7. Underground storage tank between Buildings 605 and 606
8. Septic system on south side of Building 605 SS 6-1

Level 7.

AOCs:

1. Former Pond
2. Wastewater evaporation area
3. Phase III burn area
4. Phase IV Burn Area
5. Area of removed building 709
6. Area of removed building 715
7. Area of removed building 716

SWMUs:

1. Building 712, burn area
2. Building 706, chemical lab
3. Building 707, blending
4. Building 713, storage
5. M7000, storage
6. M7001, storage
7. 1500 gallon UST

8. 1000 gallon UST
9. 500 gallon UST
10. Septic system SS 7-1
11. Septic system SS 7-2
12. Septic system SS 7-3
13. Building 725 solvent storage area

2.2. DTSC has determined that the CCR does not adequately address the SWMUs and AOCs at the facility.

2.3. DTSC concludes that further investigation is needed to determine the nature and extent of contamination in the 98 SWMUs and 23 AOCs described in the CCR.

2.4. Based on the 1991 Environmental Impact Report (EIR) prepared by the Los Angeles County Planning Department, DTSC has also identified the following SWMUs at the facility:

Additional Magazine Storage Area:

SWMUs:

11 additional magazine storage facilities shown in Exhibit 3-2 in the EIR.

2.5. Based on the EIR, DTSC concludes that further investigation is needed to determine the nature and extent of contamination in the 11 additional magazine storage facilities shown in Exhibit 3-2 in the EIR.

2.6. Hazardous wastes or hazardous waste constituents have migrated or may migrate from the Facility into the environment through the following pathways:

- C soil
- C groundwater
- C surface water
- C air

2.7. The hazardous waste and hazardous waste constituents of concern at the Facility are:

CONSTITUENTS OF CONCERN
Explosive fuels (zirconium, titanium hydride, boron, and potassium compounds)
oil
kerosene
perchlorate
acetone
hydrazine
hexane
isopropyl alcohol
paint
thinners

CONSTITUENTS OF CONCERN
methyl ethyl ketone
toluene
1,1,1 -trichloroethane
acid
1,4 -dioxane
Title 22 Metals
trichloroethene
RDX (hexahydro-1,3,5-trinitro-1,3,5-triazine)
formaldehyde
xylene
boron

2.7.1. The CCR lists other substances whose chemical nature is not identified. These substances are called Vatron (misspelled as Matron in the CCR) and Kester Residue Remover. Respondents must identify the chemical constituents of these substances and their hazardous characteristics in the RFI Workplan.

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2.8. The Facility is located near ranch-style residential property to the north, Gorman Canyon to the east, and the Los Angeles National Forest to the south and west. There are single family homes along Placerita Canyon Road and a single family residential neighborhood one mile to the northeast. The towns of Newhall, Solemint, and Olive View are 4 to 5 miles from the facility. Water used to fight fires was supplied by an onsite reservoir. The status of the reservoir is not clear. The CCR concerning the facility, prepared by England Geosystem, the consultant for some or all of the respondents, says the reservoir was supplied by a natural spring, but the location of the spring is not clear.

Placerita Canyon Creek is located immediately to the north of the facility. The nearest aquifer is 2 miles north of the facility. The nearest public water supply is in Newhall.

2.9. Releases from the Facility have a potential of migrating toward the aquifer to the north, Placerita Canyon Creek, the natural spring, and the public water supply.

WORK TO BE PERFORMED

3. Based on the foregoing FINDINGS OF FACT, IT IS HEREBY ORDERED THAT:

3.1. Respondents shall perform the work required by this Order in a manner consistent with: the attached Scopes of Work; DTSC-approved RCRA Facility Investigation Workplan, Corrective Measures Study Workplan, Corrective Measures Implementation Workplan, and any other DTSC-approved Workplans; HSC and other applicable state and federal laws and their implementing regulations; and applicable DTSC or USEPA guidance documents. Applicable guidance documents include, but are not limited to, the "RCRA Facility Investigation (RFI) Guidance" (Interim Final, May 1989, EPA 530/SW-89-031), "RCRA Groundwater Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986), "Test Methods For Evaluating Solid Waste" (SW-846), and "Construction Quality Assurance for Hazardous Waste Land Disposal Facilities" (EPA 530/SW-85-031, July 1986).

3.2. Interim Measures (IM).

3.2.1. Respondents shall evaluate available data and assess the need for interim measures in addition to those specifically required by this Order. Interim measures shall be used whenever possible to control or abate immediate threats to human health and/or the environment, and to prevent and/or minimize the spread of contaminants while long-term corrective action alternatives are being evaluated.

3.2.2. Within 60 days of the effective date of this Order, Respondents shall submit an Assessment of Interim Measures Report to DTSC. The assessment must include both previously implemented interim measures and other interim measures that could be implemented at the Facility. The assessment must also identify any additional data needed for making decisions on interim measures. This new data or information shall be collected during the early stages of the RCRA Facility Investigation. DTSC will review the Respondents' assessment and determine which interim measures, if any, Respondents will implement at the Facility. If deemed appropriate by DTSC, such determination may be deferred until additional data are collected.

3.2.3. If the assessment determines that Interim Measures are required, Respondents shall submit to DTSC a Workplan ("IM Workplan") for the implementation of Interim Measures within 90 days of the effective date of this Order. The IM Workplan is subject to approval by DTSC and shall provide for the performance of all Interim Measures necessary to achieve stabilization at the Facility. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment 1.

3.2.4. In the event Respondents identify an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously identified, Respondents shall notify the DTSC Project Coordinator orally within 48 hours of discovery and notify DTSC in writing within 10 days of discovery summarizing the findings, including the immediacy and magnitude of the potential threat to human health and/or the environment. Within 60 days of receiving DTSC's written request, Respondents shall submit to DTSC an IM Workplan for approval. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment 1. If DTSC determines that immediate action is required, the DTSC Project Coordinator may orally authorize the Respondents to act prior to DTSC's receipt of the IM Workplan.

3.2.5. If DTSC identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously identified, DTSC will notify Respondents in writing. Within 60 days of receiving DTSC's written notification, Respondents shall submit to DTSC for approval an IM Workplan that identifies Interim Measures that will mitigate the threat. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment 1. If DTSC determines that

immediate action is required, the DTSC Project Coordinator may orally authorize Respondents to act prior to receipt of the IM Workplan.

3.2.6. All IM Workplans shall ensure that the Interim Measures are designed to mitigate current or potential threats to human health and/or the environment, and should, to the extent practicable, be consistent with the objectives of, and contribute to the performance of, any remedy which may be required at the Facility.

3.2.7. Concurrent with the submission of an IM Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with the Scope of Work for a Health and Safety Plan, Attachment 2.

3.2.8. Concurrent with the submission of an IM Workplan, Respondents shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 3. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondents to prepare a Public Participation Plan.

3.3. RCRA Facility Investigation (RFI).

3.3.1. Within 90 days of the effective date of this Order, Respondents shall submit to DTSC a Workplan for a RCRA Facility Investigation ("RFI Workplan"). The RFI Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for a RCRA Facility Investigation contained in Attachment 4. DTSC will review the RFI Workplan and notify Respondents in writing of DTSC's approval or disapproval.

3.3.2. The RFI Workplan shall detail the methodology to: (1) gather data needed to make decisions on interim measures/ stabilization during the early phases of the

RCRA Facility Investigation; (2) identify and characterize all sources of contamination; (3) define the nature, degree and extent of contamination; (4) define the rate of movement and direction of contamination flow; (5) characterize the potential pathways of contaminant migration; (6) identify actual or potential human and/or ecological receptors; and (7) support development of alternatives from which a corrective measure will be selected by DTSC. A specific schedule for implementation of all activities shall be included in the RFI Workplan.

3.3.3. Respondents shall submit a RFI Report to DTSC for approval in accordance with DTSC-approved RFI Workplan schedule. The RFI Report shall be developed in a manner consistent with the Scope of Work for a RCRA Facility Investigation contained in Attachment 4. If there is a phased investigation, separate RFI Reports and a report that summarizes the findings from all phases of the RFI must be submitted to DTSC. DTSC will review the RFI Report(s) and notify Respondents in writing of DTSC's approval or disapproval.

3.3.4. Concurrent with the submission of a RFI Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with Attachment 2. If Workplans for both an IM and RFI are required by this Order, Respondents may submit a single Health and Safety Plan that addresses the combined IM and RFI activities.

3.3.5. Respondents shall submit a RFI Summary Fact Sheet to DTSC that summarizes the findings from all phases of the RFI. The RFI Summary Fact Sheet shall be submitted to DTSC in accordance with the schedule contained in the approved RFI Workplan. DTSC will review the RFI Summary Fact Sheet and notify Respondents in writing of DTSC's approval or disapproval, including any comments and/or modifications. When DTSC approves the RFI Summary Fact Sheet, Respondents shall mail the approved

RFI Summary Fact Sheet to all individuals on the Facility mailing list established pursuant to California Code of Regulations, Title 22, Section 66271.9(c)(1)(D), within 15 calendar days of receipt of written approval.

3.3.6. Concurrent with the submission of a RFI Workplan, Respondents shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 3. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondents to prepare a Public Participation Plan.

3.4. Corrective Measures Study (CMS).

3.4.1. Respondents shall prepare a Corrective Measures Study if contaminant concentrations exceed current health-based action levels and/or if DTSC determines that the contaminant releases pose a potential threat to human health and/or the environment.

3.4.2. Within 45 days of DTSC's approval of the RFI Report (or of Respondents' receipt of a written request from DTSC), Respondents shall submit a CMS Workplan to DTSC. The CMS Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for a Corrective Measures Study contained in Attachment 5.

3.4.3. The CMS Workplan shall detail the methodology for developing and evaluating potential corrective measures to remedy any contamination at the Facility. The CMS Workplan shall identify the potential corrective measures, including any innovative technologies, that may be used for the containment, treatment, remediation, and/or disposal of contamination.

3.4.4. Respondents shall prepare treatability studies for all potential corrective measures that involve treatment except where Respondents can demonstrate to DTSC's satisfaction that they are not needed. The CMS Workplan shall include, at a minimum, a summary of the proposed treatability study including a conceptual design, a schedule for submitting a treatability study workplan, or Respondents' justification for not proposing a treatability study.

3.4.5. Respondents shall submit a CMS Report to DTSC for approval in accordance with DTSC-approved CMS Workplan schedule. The CMS Report shall be developed in a manner consistent with the Scope of Work for a Corrective Measures Study contained in Attachment 5. DTSC will review the CMS Report and notify Respondents in writing of DTSC's approval or disapproval.

3.5. Remedy Selection.

3.5.1. DTSC will provide the public with an opportunity to review and comment on the final draft of the CMS Report, DTSC's proposed corrective measures for the Facility, and DTSC's justification for selection of such corrective measures.

3.5.2. Following the public comment period, DTSC may select final corrective measures or require Respondents to revise the CMS Report and/or perform additional corrective measures studies.

3.5.3. DTSC will notify Respondents of the final corrective measures selected by DTSC in the Final Decision and Response to Comments. The notification will include DTSC's reasons for selecting the corrective measures.

3.6. Corrective Measures Implementation (CMI).

3.6.1. Within 60 days of Respondents' receipt of notification of DTSC's selection of the corrective measures, Respondents shall submit to DTSC a Corrective Measures Implementation (CMI) Workplan. The CMI Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment 6.

3.6.2. Concurrent with the submission of a CMI Workplan, Respondents shall submit to DTSC a Health and Safety Plan in accordance with Attachment 2.

3.6.3. Concurrent with the submission of a CMI Workplan, Respondents shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 3. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondents to prepare a Public Participation Plan.

3.6.4. The CMI program shall be designed to facilitate the design, construction, operation, maintenance, and monitoring of corrective measures at the Facility. In accordance with the schedule contained in the approved CMI Workplan, Respondents shall submit to DTSC the documents listed below. These documents shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment 6.

- o Operation and Maintenance Plan
- o Draft Plans and Specifications
- o Final Plans and Specifications
- o Construction Workplan
- o Construction Completion Report
- o Corrective Measures Completion Report

3.6.5. DTSC will review all required CMI documents and notify Respondents in writing of DTSC's approval or disapproval.

3.6.6. As directed by DTSC, Respondents shall establish a financial assurance mechanism for Corrective Measures Implementation. The financial assurance mechanisms may include a performance or surety bond, liability insurance, an escrow performance guarantee account, a trust fund, financial test, or corporate guarantee as described in California Code of Regulations, Title 22, section 66265.143 or any other mechanism acceptable to DTSC. The mechanism shall be established to allow DTSC access to the funds to undertake Corrective Measures Implementation tasks if Respondents are unable or unwilling to undertake the required actions.

OTHER REQUIREMENTS AND PROVISIONS

4.1. Project Coordinator. Within fourteen (14) days of the effective date of this Order, DTSC and Respondents shall each designate a Project Coordinator and shall notify each other in writing of the Project Coordinator selected. Each Project Coordinator shall be responsible for overseeing the implementation of this Order and for designating a person to act in his/her absence. All communications between Respondents and DTSC, and all documents, report approvals, and other correspondence concerning the activities performed pursuant to this Order shall be directed through the Project Coordinators. Each party may change its Project Coordinator with at least seven (7) days prior written notice.

4.2. Department Approval.

4.2.1. Respondents shall revise any workplan, report, specification, or schedule in accordance with DTSC's written comments. Respondents shall submit to

DTSC any revised documents by the due date specified by DTSC. Revised submittals are subject to DTSC's approval or disapproval.

4.2.2. Upon receipt of DTSC's written approval, Respondents shall commence work and implement any approved workplan in accordance with the schedule and provisions contained therein.

4.2.3. Any Department approved workplan, report, specification, or schedule required by this Order shall be deemed incorporated into this Order.

4.2.4. Verbal advice, suggestions, or comments given by DTSC representatives will not constitute an official approval or decision.

4.3. Submittals.

4.3.1. Beginning with the first full month following the effective date of this Order, Respondents shall provide DTSC with quarterly progress reports of corrective action activities conducted pursuant to this Order. Progress reports are due on the tenth day of the month following the end of each quarter. The progress reports shall conform to the Scope of Work for Progress Reports contained in Attachment 7. DTSC may adjust the frequency of progress reporting to be consistent with site-specific activities.

4.3.2. Any report or other document submitted by Respondents pursuant to this Order shall be signed and certified by the project coordinator, a responsible corporate officer, or a duly authorized representative.

4.3.3. The certification required above, shall be in the following form:

I certify that the information contained in or accompanying this submittal is true, accurate, and complete. As to those portions of this submittal for which I cannot personally verify the accuracy, I certify that

this submittal and all attachments were prepared at my direction in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Signature: _____

Name: _____

Title: _____

Date: _____

4.3.4. Respondents shall provide 3 copies of all documents, including but not limited to, workplans, reports, and correspondence of fifteen (15) pages or longer. Submittals specifically exempted from this copy requirement are all progress reports and correspondence of less than 15 pages, of which one copy is required.

4.3.5. Unless otherwise specified, all reports, correspondence, approvals, disapprovals, notices, or other submissions relating to this Order shall be in writing and shall be sent to the current Project Coordinators.

4.4. Proposed Contractor/Consultant.

All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer or registered geologist, registered in California, with expertise in hazardous waste site cleanup. Respondents' contractor or consultant shall have the technical expertise sufficient to fulfill his or her responsibilities. Within fourteen (14) days of the effective date of this Order, Respondents shall notify the DTSC Project Coordinator in writing of the name, title, and qualifications of the professional engineer or registered geologist and of any contractors or consultants and their personnel to be used in carrying out the requirements of this Order. DTSC may disapprove of Respondents' contractor(s) and/or consultant(s).

4.5. Quality Assurance.

4.5.1. All sampling and analyses performed by Respondents under this Order shall follow applicable Department and USEPA guidance for sampling and analysis. Workplans shall contain quality assurance/quality control and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the approved workplans must be approved by DTSC prior to implementation, must be documented, including reasons for the deviations, and must be reported in the applicable report (e.g., RFI Report).

4.5.2. The names, addresses, and telephone numbers of the California State certified analytical laboratories Respondents propose to use must be specified in the applicable workplans.

4.5.3. All workplans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended uses.

4.5.4. Respondents shall monitor to ensure that high quality data are obtained by their consultant or contract laboratories. Respondents shall ensure that laboratories used by Respondents for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, (SW-846)", or other methods deemed satisfactory to DTSC. If methods other than USEPA methods are to be used, Respondents shall specify all such protocols in the applicable workplan (e.g., RFI Workplan). DTSC may reject any data that do not meet the requirements of the approved workplan, USEPA analytical methods, or quality assurance/quality control procedures, and may require resampling and analysis.

4.5.5. Respondents shall ensure that the California State certified laboratories used by Respondents for analyses have a quality assurance/quality control program. DTSC may conduct a performance and quality assurance/quality control audit of the laboratories chosen by Respondents before, during, or after sample analyses. Upon request by DTSC, Respondents shall have their selected laboratory or laboratories perform analyses of samples provided by DTSC to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or quality assurance/quality control procedures, resampling and analysis may be required.

4.6. Sampling and Data/Document Availability.

4.6.1. Respondents shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, agents, consultants, or contractors pursuant to this Order.

4.6.2. Notwithstanding any other provisions of this Order, DTSC retains all of its information gathering and inspection authority and rights, including enforcement actions related thereto, under HSC, and any other state or federal statutes or regulations.

4.6.3. Respondents shall notify DTSC in writing at least seven (7) days prior to beginning each separate phase of field work approved under any workplan required by this Order. If Respondents believe they must commence emergency field activities without delay, Respondents may seek emergency telephone authorization from DTSC Project Coordinator or, if the Project Coordinator is unavailable, his/her Branch Chief, to commence such activities immediately.

4.6.4. At the request of DTSC, Respondents shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by

Respondents pursuant to this Order. Similarly, at the request of Respondents, DTSC shall allow Respondents or their authorized representative(s) to take split or duplicate samples of all samples collected by DTSC under this Order.

4.7. Access.

4.7.1. Subject to the Facility's security and safety procedures, Respondents shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of this Order and shall permit such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order and that are within the possession or under the control of Respondents or their contractors or consultants.

4.7.2. To the extent that work being performed pursuant to this Order must be done beyond the Facility property boundary, Respondents shall use their best efforts to obtain access agreements necessary to complete work required by this Order from the present owners of such property within thirty (30) days of approval of any workplan for which access is required. Best efforts as used in this paragraph shall include, at a minimum, a letter by certified mail from the Respondents to the present owners of such property requesting an agreement to permit Respondents and DTSC and its authorized representatives access to such property and offering the payment by Respondents of reasonable sums of money in consideration of granting access. Any such access agreement shall provide for access to DTSC and its representatives. Respondents shall provide DTSC's Project Coordinator with a copy of any access agreements. In the event that an agreement for access is not obtained within thirty (30) days of approval of any

workplan for which access is required, or of the date that the need for access becomes known to Respondents, Respondents shall notify DTSC in writing within fourteen (14) days thereafter regarding both the efforts undertaken to obtain access and its failure to obtain such agreements. DTSC may, at its discretion, assist Respondents in obtaining access.

4.7.3. Nothing in this section limits or otherwise affects DTSC's right of access and entry pursuant to any applicable state or federal law or regulation.

4.7.4. Nothing in this Order shall be construed to limit or otherwise affect Respondents' liability and obligation to perform corrective action including corrective action beyond the Facility boundary.

4.8. Record Preservation.

4.8.1. Respondents shall retain, during the implementation of this Order and for a minimum of six (6) years thereafter, all data, records, and documents that relate in any way to the implementation of this Order or to hazardous waste management and/or disposal at the Facility. Respondents shall notify DTSC in writing ninety (90) days prior to the destruction of any such records, and shall provide DTSC with the opportunity to take possession of any such records. Such written notification shall reference the effective date, caption, and docket number of this Order and shall be addressed to:

Chief
Geology and Corrective Action Branch
Department of Toxic Substances Control
5796 Corporate Ave.
Cypress, CA 90630

4.8.2. If Respondents retain or employ any agent, consultant, or contractor for the purpose of complying with the requirements of this Order, Respondents will require any such agents, consultants, or contractors to provide Respondents a copy of all documents produced pursuant to this Order.

4.8.3. All documents pertaining to this Order shall be stored in a central location at the Facility to afford ease of access by DTSC and its representatives.

4.9. Change in Ownership. No change in ownership or corporate or partnership status relating to the Facility shall in any way alter Respondents' responsibility under this Order. No conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, shall affect Respondents' obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party, Respondents shall be responsible for and liable for any failure to carry out all activities required of Respondents by the terms and conditions of this Order, regardless of Respondents' use of employees, agents, contractors, or consultants to perform any such tasks.

4.10. Notice to Contractors and Successors. Respondents shall provide a copy of this Order to all contractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order and shall condition all such contracts on compliance with the terms of this Order. Respondents shall give written notice of this Order to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify DTSC at least seven (7) days prior to such transfer.

4.11. Compliance with Applicable Laws. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the applicable requirements

of all local, state, and federal laws and regulations. Respondents shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

4.12. Costs. Respondents are liable for all costs associated with the implementation of this Order, including all costs incurred by DTSC in overseeing the work required by this Order.

4.13. Endangerment during Implementation. In the event that DTSC determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people at the Facility or in the surrounding area or to the environment, DTSC may order Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by an Order to Stop Work under this section shall be extended for the term of the Order to Stop Work.

4.14. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

4.15. Government Liabilities. The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by

Respondents or related parties specified in section 4.19 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or its agents in carrying out activities pursuant to the Order.

4.16. Additional Enforcement Actions. By issuance of this Order, DTSC does not waive the right to take further enforcement actions.

4.17. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondents pursuant to this Order are incorporated in this Order upon approval by DTSC.

4.18. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by DTSC or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.19. Parties Bound. This Order shall apply to and be binding upon Respondents, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.20. Compliance with Waste Discharge Requirements. Respondents shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

4.21. Submittal Summary. Below is a summary of the major reporting requirements contained in this Order. The summary is provided as a general guide and does not contain all requirements. Please refer to the specific language of this Order for all the requirements.

<u>Section</u>	<u>Action</u>	<u>Due Date</u>
3.2.3 3.2.5 3.3.2 3.4.4 3.6.4	Implement approved Workplans	In accordance with schedules contained in approved Workplans
4.1	Designate Project Coordinator and notify DTSC in writing	14 days from effective date of Order
3.2.4	Notify DTSC orally of potential threats to human health	48 hours after discovery
3.2.4	Notify DTSC in writing of potential threats to human health	10 days after discovery
3.2.2	Submit Assessment of Interim Measures Report	60 days from effective date Of Order
3.2.3 3.2.7 3.2.8	Submit Interim Measures Workplan, Health and Safety Plan, and Public Involvement Plan	90 days from effective date of Order
3.3.1 3.3.4 3.3.6	Submit RFI Workplan, Public Involvement Plan, and Health and Safety Plan	90 days from effective date of Order
3.4.2	Submit CMS Workplan	45 days after approval of RFI Report or Department request

3.6.1	Submit CMI Workplan	60 days from receipt of notification of DTSC selection of a corrective measure
4.3.1	Submit first Progress Report	Fifth day of the month following the effective date of Order
4.3.1	Submit Progress Reports	Quarterly - due on the tenth day of the month following the end of each quarter
4.4	Notify DTSC in writing of contractors to carry out terms of Order	14 days from effective date of Order
4.6.3	Notify DTSC of when field work starts	14 days before each phase of field work

RIGHT TO A HEARING

5. You may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondents.

EFFECTIVE DATE

6. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to you, unless you request a hearing within the twenty-day period.

6/29/02
Date of Issuance

/signed by/
Karen Baker
Chief
Geology and Corrective
Action Branch
Department of Toxic
Substances Control